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United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Jul 05, 2022
Pam Hartman Beyer, Clerk of Court

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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) MAG. NO. 22-1146 RT
)
Plaintiff,) CRIMINAL COMPLAINT;
)
) AFFIDAVIT
v.)
)
JOSEPH JARDINE,)
)
Defendant.)
)

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true
and correct to the best of my knowledge and belief:

Count 1

Possession with Intent to Distribute Methamphetamine
(21 U.S.C. §§ 841(a)(1) and (b)(1)(B))

On or about January 5, 2021, within the District of Hawaii, Joseph JARDINE, the defendant, knowingly and intentionally possess with intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

Count 2

Possession of a Firearm in Furtherance of a Drug Trafficking Crime
(18 U.S.C. § 924(c)(1)(A))

On or about January 5, 2021, within the District of Hawaii, Joseph JARDINE, the defendant, did knowingly carry and use a firearm, that is a Firearms Import and Export (F.I.E.), D38 model, .38 caliber Derringer pistol, Serial No. B10901, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, the drug trafficking offense charged in Count 1 of this Criminal Complaint.

All in violation of Title 18, United States Code, Section 924(c)(1)(A).

Count 3

Felon in Possession of a Firearm
(18 U.S.C. §§ 922(g)(1) and 924(a)(2))

On or about January 5, 2021, within the District of Hawaii, Joseph JARDINE, the defendant, having been previously convicted of a crime punishable by imprisonment for a term exceeding one year, and knowing that he had been convicted of such a crime, knowingly possessed a firearm, that is, a Firearms Import and Export (F.I.E.), D38 model, .38 caliber Derringer pistol, Serial No. B10901, with said firearm having been shipped and transported in interstate and foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

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I further state that I am a Task Force Officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and that this Complaint is based upon the facts set forth in the following affidavit, which is attached hereto and made part of this Complaint by reference.



Kelly Moniz
Task Force Officer
Alcohol, Tobacco, Firearms and Explosives

Sworn to under oath before me telephonically and attestation acknowledged pursuant to FRCP 4(d) and 4.1(b) on July 5, 2022.



Rom A. Trader
United States Magistrate Judge

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) MAG. NO. 22-1146 RT
)
Plaintiff,) AFFIDAVIT
)
v.)
)
JOSEPH JARDINE,)
)
Defendant.)

TASK FORCE OFFICER'S AFFIDAVIT IN SUPPORT OF CRIMINAL

COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

BACKGROUND

1. I am currently employed as a Vice Detective of the Hawaii Police Department (“HPD”) and have been since 2003. I further state that I am a Task Force Officer of the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and have been since 2020. I am also a graduate of the Hawaii Police Department’s training academy. I have been a Police Officer for approximately 19 years and have been involved in numerous state and federal investigations. These investigations have resulted in the collection of evidence in cases involving state

and federal firearms and illegal narcotics violations.

2. During my employment with HPD, I received approximately six months of comprehensive training in general matters pertaining to law enforcement in the State of Hawaii and specific training in the recognition of narcotics, methods of narcotics distribution, and methods used to smuggle narcotics and related proceeds of narcotics trafficking without detection. I held investigative assignments with the Narcotics/Vice Unit, Criminal Investigation Section, and the Special Enforcement Unit.

3. As a result of my experience and training, I am familiar with the common practices utilized by drug traffickers/distributors. I have become knowledgeable with the enforcement of State and Federal laws pertaining to narcotics and dangerous drugs.

4. I submit this affidavit in support of a Criminal Complaint for JOSEPH JARDINE, charging one count of Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B); one count of Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1)(A); and one count of Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). This affidavit is based upon my personal knowledge, my review of reports by other

law enforcement officers, my communications with other law enforcement officers, information obtained from witnesses, and other evidence. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I or the government have learned during the course of the investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

PROBABLE CAUSE

5. On or about January 5, 2021, at approximately 1355 hours, ATF TFO Moniz observed a red 4Runner, bearing Hawaii license number ZGP721, traveling east bound on Kawailani Street while having what appeared to be illegally dark tint. The red 4Runner continued down Kawailani Street and turned right onto Kilauea Avenue.

6. A traffic stop was conducted on the 4Runner, and the vehicle was pulled over across from the address of 2419 Kilauea Avenue.

7. Officers then approached the vehicle and TFO Moniz observed Joseph JARDINE sitting in the passenger's seat with a camouflage fanny pack on his lap.

8. Prior to the traffic stop being initiated, TFO Moniz was aware JARDINE had an active outstanding parole revocation warrant issued by the State

of Hawaii Paroling Authority. TFO Moniz ordered JARDINE out of the vehicle, and placed JARDINE under arrest for his outstanding warrant.

9. As JARDINE opened the passenger vehicle door to exit the vehicle, TFO Moniz observed Jardine drop the camouflage fanny pack between his legs on the front passenger seat floor.

10. After placing JARDINE under arrest, TFO Moniz asked C.B., the driver of the vehicle, where they were coming from. C.B. answered by indicating he was just picking up JARDINE from a residence by the apartments on Kawaiilani Street and that he was going to go and take him home.

11. TFO Moniz then asked C.B. if there was anything in the vehicle that belonged to JARDINE with C.B. indicating that the fanny pack on the passenger's side floor belonged to JARDINE.

12. C.B. then stated that TFO Moniz could grab the bag from the passenger's seat floorboard area. Immediately upon picking up the fanny pack, TFO Moniz could detect a strong distinct odor of marijuana coming from the fanny pack.

13. A medical marijuana check was conducted with the State of Hawaii Department of Health Medical Cannabis Registry on JARDINE born in 1968. It was learned that JARDINE does not have a medical marijuana permit.

14. On January 6, 2021, a State of Hawaii search warrant was then prepared by TFO Moniz for an Extreme Pak brand green/gray digital camouflage fanny pack-style, which was signed by the Honorable Judge Bruce LARSON (State Search Warrant 2021-03).

15. On January 6, 2021, the search warrant was executed on the Extreme brand fanny pack. Upon searching fanny pack the following items were recovered:

- a. Five (5) separate zip packets each containing clear crystal like material. The first zip packet weighed 29.6 grams; the second zip packet weighed 27.8 grams; the third zip packet weighed 29.2 grams, the fourth weighed 4 grams, and the last weighed 2.7 grams. Crystal substance from each of the zip packets was field-tested using the TruNarc analyzer with the contents of each zip packet field-testing positive for methamphetamine. A total of approximately 93.3 grams (3.291 ounces) of methamphetamine was recovered.
- b. A functional Triton T3 digital scale, with a minute amount of a crystal like substance which field tested positive for methamphetamine using NIK test.
- c. Numerous unused zip packets commonly to store and transport methamphetamine for distribution.

d. A Firearms Import and Export (F.I.E.), D38 model, .38 caliber

Derringer pistol, Serial No. B10901

e. \$1,096 in U.S. currency.

f. A used toothbrush.

16. On January 11, 2021, TFO Moniz prepared a State of Hawaii search warrant (State Search Warrant 2021-013) to extract DNA from JARDINE. On the same date, the search warrant was executed, and a sample of JARDINE's DNA was obtained.

17. As part of this investigation, TFO Moniz sent the DNA sample obtained from JARDINE along with the toothbrush that had been seized during the search of the fanny bag, as well as DNA swabs collected from the seized firearm at the time of the search warrant execution.

18. On May 27, 2021 TFO Moniz received the Forensic Report from the Honolulu Police Department Scientific Investigation Section. This report indicated that the DNA sample taken from the head of the toothbrush matched the sample taken from JARDINE.

INTERSTATE AND FOREIGN NEXUS

19. On June 29, 2022, ATF Special Agent ("SA") Joseph Villagomez examined the photographs of the Firearms Import and Export (F.I.E.), D38 model,

.38 caliber Derringer pistol, Serial No. B10901, seized from the property and determined based on his specialized interstate nexus training and experience that the firearm was not manufactured in the State of Hawaii. Because the firearm was manufactured outside the State of Hawaii, it necessarily was shipped or transported in interstate or foreign commerce before it was possessed by JARDINE in the State of Hawaii.

CONVICTIONS AND STATUS AS A FELON

20. JARDINE has seven (7) felony convictions in the State of Hawaii. JARDINE has a 2013 State of Hawaii conviction for Methamphetamine Trafficking in the Second Degree, which is a crime punishable by imprisonment for a term exceeding one year. A review of JARDINE'S plea documents in State of Hawaii case Cr. No. 13-1-241 indicates that he was informed that the maximum penalty for Attempted Methamphetamine Trafficking in the Second Degree is ten (10) years of imprisonment.

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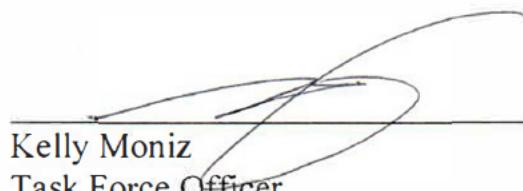
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21. Based on the facts described above, and on my training and experience, I submit that there is probable cause to arrest the defendant Joseph JARDINE for violating Title 21, Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FURTHER AFFIANT SAYETH NAUGHT.



Kelly Moniz
Task Force Officer
Alcohol, Tobacco, Firearms and Explosives

This Criminal Complaint and Affidavit in support thereof were presented to, approved by, and probable cause to believe that the defendant above-named committed the charged crime found to exist by the undersigned Judicial Officer at 10:36 a.m. on July 5, 2022, Honolulu Hawaii.

Sworn to under oath before me telephonically and attestation acknowledged pursuant to FRCP 4(d) and 4.1(b), this 5th day of July 2022, at Honolulu, Hawaii.



Rom A. Trader
United States Magistrate Judge